

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ERGON, INC. and ERGON ASPHALT &  
EMULSIONS, INC.,

Civil Action No. 11-CIV-1080(LTS)(FM)

Plaintiffs,

**MOTION TO ADMIT COUNSEL  
PRO HAC VICE**

- against -

NYMAGIC, INC., NEW YORK MARINE AND  
GENERAL INSURANCE COMPANY, MUTUAL  
MARINE OFFICE, INC. and MUTUAL MARINE  
OFFICE OF THE MIDWEST, INC.,

Defendants.

FILED  
U.S. DISTRICT COURT  
2011 MAR 28 PM 3:10  
S.D. OF N.Y.

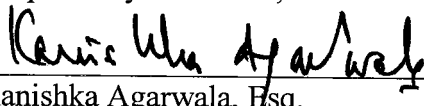
PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Kanishka Agarwala, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of:

Alexander D. Hardiman, Esq.  
Anderson Kill & Olick, P.C.  
1251 Avenue of the Americas  
New York, New York 10020  
Tel: (212) 278-1588 - Fax: (212) 278-1733

Alexander D. Hardiman, Esq. is a member in good standing of the Bar of the State of California. There are no pending disciplinary proceedings regarding Alexander D. Hardiman, Esq. in any State or Federal Court.

Dated: March 28, 2011  
New York, New York

Respectfully submitted,

  
Kanishka Agarwala, Esq.  
SDNY Bar KA2886  
Anderson Kill & Olick, P.C.

Civil Action No. 11-CIV-1080(LTS)(FM)

1251 Avenue of the Americas  
New York, New York  
Tel: (212) 278-1000

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ERGON, INC. and ERGON ASPHALT &  
EMULSIONS, INC.,

Civil Action No. 11-CIV-1080(LTS)(FM)

Plaintiffs,

- against -

**AFFIRMATION OF KANISHKA  
AGARWALA, ESQ. IN SUPPORT OF  
MOTION TO ADMIT COUNSEL  
PRO HAC VICE**

NYMAGIC, INC., NEW YORK MARINE AND  
GENERAL INSURANCE COMPANY, MUTUAL  
MARINE OFFICE, INC. and MUTUAL MARINE  
OFFICE OF THE MIDWEST, INC.,

Defendants.

STATE OF NEW YORK                    )  
  )       SS:  
COUNTY OF NEW YORK                )

Kanishka Agarwala, Esq., being duly sworn, hereby deposes and says as follows:

1. I am an attorney with the law firm of Anderson Kill & Olick, P.C. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiffs' motion to admit Alexander D. Hardiman, Esq. as counsel *pro hac vice* to represent Plaintiffs in this matter.

2. I am a member in good standing of the bar of the State of New York and the United States District Court for the Southern District of New York, and was admitted to practice law in the State of New York 2001. I am also admitted to the bar of the United States District Court for the Eastern District of New York, and am in good standing with that Court.

3. Mr. Hardiman is an attorney licensed to practice law in the State of California and has been a member in good standing of the California Bar since 1998. *See* Exhibit A. He is an active member in good standing and currently eligible to practice law in the U.S. District Court

for the Central District of California, U.S. District Court for the Northern District of California, United States Court of Appeals for the Ninth Circuit, and the State of California.

4. There are no disciplinary proceedings pending against Mr. Hardiman, nor has he ever been subject to any disciplinary proceedings.

5. Mr. Hardiman has never been subject to any suspension or disbarment proceedings.

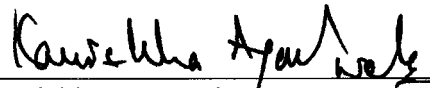
6. Mr. Hardiman is familiar with and shall be governed by the local rules of this court, the rules of professional conduct and all other requirements governing the professional behavior of members of the New York Bar.

7. Accordingly, I am pleased to move the admission of Alexander D. Hardiman, Esq., *pro hac vice*, which motion is attached hereto as Exhibit B.

WHEREFORE, it is respectfully requested that the motion to admit Alexander A. Hardiman, Esq., *pro hac vice*, to represent Plaintiffs, Ergon, Inc. and Ergon Asphalt & Emulsions, Inc., in the above caption matter, be granted.

Dated: March 28, 2011  
New York, New York

Respectfully submitted,



Kanishka Agarwala, Esq.  
SDNY Bar No. KA2886  
Anderson Kill & Olick, P.C.  
1251 Avenue of the Americas  
New York, New York  
Tel: (212) 278-1000

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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ERGON, INC. and ERGON ASPHALT &  
EMULSIONS, INC.,

Civil Action No. 11-CIV-1080(LTS)(FM)

Plaintiffs,

- against -

**ORDER FOR ADMISSION  
PRO HAC VICE  
ON WRITTEN MOTION**

NYMAGIC, INC., NEW YORK MARINE AND  
GENERAL INSURANCE COMPANY, MUTUAL  
MARINE OFFICE, INC. and MUTUAL MARINE  
OFFICE OF THE MIDWEST, INC.,

Defendants.

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Upon the motion of Kanishka Agarwala, Esq., attorney for Plaintiffs, Ergon, Inc. and Ergon Asphalt & Emulsions, Inc., and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that

Alexander D. Hardiman  
Anderson Kill & Olick, P.C.  
1251 Avenue of the Americas  
New York, New York 10020  
Tel: (212) 278-1588 - Fax: (212) 278-1733  
E-mail: ahardiman@andersonkill.com

is admitted to practice *pro hac vice* as counsel for Plaintiffs, Ergon, Inc. and Ergon Asphalt & Emulsions, Inc., in the above captioned case in the United States District Court of the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated: March \_\_\_\_, 2011  
New York, New York

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United States District Judge



# THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617

TELEPHONE: 888-800-3400

## CERTIFICATE OF STANDING

March 2, 2011

### TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, ALEXANDER DAVID HARDIMAN, #197957 was admitted to the practice of law in this state by the Supreme Court of California on December 2, 1998; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

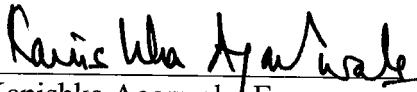
A handwritten signature in black ink, appearing to read "Kath Lambert", is written over a horizontal line.

Kath Lambert  
Custodian of Membership Records

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via First Class Mail, postage pre-paid, on this 28th day of March, 2011 on:

- 1) NYMAGIC, Inc.  
330 Madison Avenue  
New York, New York 10017
- 2) New York Marine and General Insurance Company  
919 Third Avenue, 10<sup>th</sup> Floor  
New York, New York 10019
- 3) Mutual Marine Office, Inc.  
919 Third Avenue, 10<sup>th</sup> Floor  
New York, New York 10019
- 4) Mutual Marine Office of the Midwest, Inc.  
919 Third Avenue, 10<sup>th</sup> Floor  
New York, New York 10019

  
Kanishka Agarwala, Esq.